

REMARKS

Restriction:

In the Office Action of September 17, 2007, the Examiner requested that Applicants elect one of the following inventions:

- Group I: claims 1-6, drawn to a process for the preparation of hypoallergenic mosaic allergen;
- Group II: claims 8 and 14, drawn to a DNA encoding a hypoallergenic mosaic allergen, vaccines comprising such a DNA sequence and a process for the preparation of such a hypoallergenic mosaic allergen;
- Group III: claims 7 and 13, drawn to a hypoallergenic mosaic allergen and a vaccine comprising same; and
- Group IV: claims 15-18, drawn to a method for treating an allergic reaction comprising administering a hypoallergenic mosaic allergen.

In response, Applicants provisionally elects **with traverse** the invention of Group III, claims 7 and 13. However, Applicants respectfully submit that the outstanding restriction requirement is improper, in whole or in part, because under the statute, if the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent and distinct inventions. In this case, the search required for the elected invention of Group III (i.e., the mosaic allergen of SEQ ID NO: 1) overlaps with, and indeed is central to, the search required for the non-elected invention of Group II (i.e., a DNA encoding for the mosaic allergen of SEQ ID NO: 1). Therefore, it would not be an undue burden for the Examiner to consider claims 7, 8, 13, and 14 together in the present application. Accordingly, Applicants respectfully request that the Examiner reconsider the Restriction Requirement and specifically reconsider examining non-elected claims 8 and 14 with the elected claims 7 and 13.

Election of Species:

In the outstanding Office Action, the Examiner also indicated that the application contained a number of patentably distinct species. In particular, with respect to elected Group III, the Examiner indicated that Applicants were obliged to elect a single specific hypoallergenic mosaic allergen with a single specific amino acid sequence identification number. However, in that elected claims 7 and 13 (as well as non-elected claims 8 and 14) all require a mosaic allergen having (or encoding) the amino acid sequence of SEQ ID NO: 1, Applicants respectfully submit that further election is not required. Nevertheless, so as to be fully responsive, Applicants provisionally elect **with traverse** the amino acid species of SEQ ID NO: 1.

CONCLUSION

The outstanding Office Action set a one-month shortened statutory period for response, response being due on or before **October 17, 2007**. Accordingly, Applicants respectfully submit that this response is timely and no fee is required. However, in the event that further fees are required to enter the instant response and/or maintain the pendency of this application, the Commissioner is authorized to charge such fees to our Deposit Account No. 50-2101.

If the Examiner has any questions or concerns regarding this communication, she is invited to contact the undersigned.

Respectfully submitted,

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